

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Keith M. Whitaker, Sr.,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:10cv306
vs.	:	
	:	Chief Judge Susan J. Dlott
Warden, Toledo Correctional Institution,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz filed on December 30, 2011 (Doc. 34), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired January 16, 2012, hereby ADOPTS said Report and Recommendation.

Petitioner filed a motion for extension of time to file objections to the Report and Recommendation (Doc. 35) which was denied pursuant to the order entered on November 16, 2011 (Doc.. 29).

Accordingly, to the extent petitioner's "Judicial Notice" is construed as a motion seeking relief from the judgment under Fed. R. Civ. P. 60(b), it is **DENIED**.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court